App. F. IX-4

Previous References

1930. (Mysore)

File No. 32 30

Serial Nos. / 3

Later References

General and Revenue Secretariat.

Serial Nos. 3

Part B for October 1930

SUBJECT.

Remission of certain sums in the Sira Taluq under section 159 of the L. R. C. without any sale being conducted and granted to the Sri Narayana Swami Temple at Sira free of cost, the arrears of land Revenue on the lands being ordered to be written off.

G.O. No 1382-83/2R
94-30 2 dated
28 8 30

To the Mys. Govt
" Rev "

The recommendation of the Mysore Govt is approved

R.267

App. F. III—2]

General and Revenue Secretariat | Mug File No. 32 of 1930-1.

Serial No.

Letter No: 2018/29-30 dated 9-7-30
From the Mug. Commr.

Forwards the entire records received from the Dt. Tumkur in re. the forfeiture of S. Nos. 173, 174, 175, 176 of Kottavillage in the Sira Taluk mortgaged to Sri Narayana Swami temple at Sira on account of the loan of Rs 250/- advanced to one Subbiah of Bommarasinahalli from out of the funds of the temple and recommending that in the circumstances stated the forfeited lands except S. No: 192 be resumed without any sale being conducted & granted to the temple free of cost. The arrears on the lands being written off. etc.

1) Subd for orders. The two reference files Mug. 434-19-2 and Mug. 338-11 are destroyed. (vide flags. J and X)

2) The Rev Sett may perhaps be consulted about the Conservancy fees.

Rev. Br. with Complts for remarks

Note—Contn. Sheet

WD 02328—GPP—10,000—22 4-30

D774/7

Serial No.

3) Ok. Forfeiture in respect of the fowl was mentioned in the forfeiture order as right as arrears have accrued thereon. Under Sec. 54 of the Code the Deputy Commr. may dispose of the fowl instead of bringing them to sale. Under Rule 35 of the Rules when forfeiture is ordered not for the purpose of sale but for taking possession and thereafter disposing of the property the sanction of Govt. has to be obtained. As the practice of the Mussalman Municipality is generally to dispose all the fowl to the people except one, the proposal of the Muz Comr. may perhaps be accepted in the circumstances detailed.

Muz Bdy 15/7/30

16.7.30

4) Subd for kind orders

16/7 H. Secy)

17.7.30

5. There is no objection to the M.C's proposal being accepted, if there is no legal difficulty. But there is one point, which is not clear to me. There is no good reason for writing off the arrears due by Pr. C. - Either the people shd bear the

WP 01681—GPB—30,000—20-1-29

Charge

General and Revenue Secretariat | Mug File No. 32 of 1930

Serial No.

RECEIVED
23 JULY 1930
No. 566.

W the offices, through whom laches the decree became time-barred.

(Sd. member)

22/7/30

6) The grant of the land to the temple requires the approval of Govt in the Land Rev Dept.

7. The temple has been deprived of its dues by the negligence of officers and it can not be required to pay the arrear assessment.

8. We do not know if it is worthwhile enquiring who are all the officers responsible for this neglect and trying to enforce personal liability in these cases.

9. The M.C. may be asked to report if there are other cases in which action for recovery of decree amts has not been taken & if there are, he should take prompt steps for final disposal.

Note—Contn. Sheet

WD 02328—GPB—10,000—22 4-30

Serial No.

10. Subd with a draft for Consideration.

Fs 28/7 11 Please put up a typed draft.

29.7.30

12 Typed draft subd as per Asst: Secy's land orders.

Fs 30/7 H. Secy)

13 For Kind ...

...

30/7/30

14 1) Issue dgs

15. 2) Forwarded to the Revenue with reference to para 6 - Vide marginal minute.

1 & 3.

6/8/30

16.

Draft orders in a draft. Secy has grant of land to the respective for Cash, excepting 0.no 192, agst which in the Land Secy may also be examined. (Vide: H. Secy's remark para 5)

Dev Secy) 6/8/30

17 Draft sanctioning the grant of land to the Complainant as proposed and the amount mentioned being written off. Fs 11/8.

11/8/30

orders as in para 16 issued by Mwg 272 dt 12-8-30

16/8/30

WD 01684—GPB—80,000—20-4-29

General and Revenue Secretariat — Mercy File No. 32 of 1930-1

App. F. III—2]

Serial No. 18

Send with a draft sanctioning for approval

Dy No. 15818 — Devt Secy 20/8/30

OFFICE OF SECOND UNCIL 22 AUG. 1930 No 1662

Second Member. 21/8

19 cpy 23/8

2

see Mercy Comr no. 272 & 4-8-30 directs that he should take prompt steps for realisation of recovery of decreed amounts

Subd:- Orders sanctioning the Grant of lands to the Sri Narayanaswami temple at Siva have been issued and a copy is placed in the file for reference. The file may now be returned to the Mercy Branch.

21 In Mercy Branch, Note compliments.

Extract taken and the L.R file returned 25/9/30

3

From the Mercy Comr No 2018 & 18-9-30

For a copy of the circular to the D.C's if directs calling for a report within a

Note-Contn. Sheet

Serial No. 3.

fortnight if there are any cases in which action for recovery of decree amounts has not been taken

22 ubi for personal and orders as to whether the file may be weeded now. (Ref. para 2 of Serial 2)

H. Leeg) 25.9.30

23 h. 21.10.30

3576. 26.9

B. 21-10-30

Note–Contn. Sheet

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE

Bangalore,.....8th July.....1930.

FINANCIAL SECTT. No. 2018/29-30. Put on file
10 JUL
No. FROM

GENL & REV. SECTT.
10 JUL 1930
80

Rajakaryapravina

P. G. D'SOUZA, ESQ., B.A., B.L.,

Muzrai Commissioner in Mysore.

Muz 32-30-1.

Muz S
10/7/30

To

Rajasevaparayana
R. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department.

SIR,

In forwarding herewith the vernacular records received with the Tumkur District Deputy Commissioner's letter No.M.3226/29-30 dated 26-6-30 (copy enclosed) re: the forfeiture of S.Nos.173, 174, 175 and 176 of Kotta village in the Sira Taluk, mortgaged to Sri Narayanaswami Temple at Sira, I have the honor to state as follows:-

One Subbiah of Pommarasinahalli, Sira Taluk, borrowed a sum of Rs.250/- from the puduvat funds of Sri Narayanaswami Temple at Sira, mortgaging his lands bearing S.Nos.173, 174, 175, 176 and 1/3 of 192 to the temple. As the mortgaged amount was not paid, a suit was filed in the Court of Munsiff at Madhugiri, after obtaining sanction of Government in the matter. A decree was passed for the claim in favour of the temple on 13-3-17 in O.S. No.395/16-17 on the file of the said Court. A sum of Rs.16/- was sanctioned by Government in their order No.2349-50/Muz.434-19-2 dated 3-2-20 with the direction that an execution application should be filed in time and the amount due to the temple recovered.

It is seen from the records that execution proceedings were not taken promptly with the result that the decretal amount remains unpaid even to this day. As per the Amildar's report dated 30-10-26 a sum of Rs.950/- as noted in the margin is outstanding against the lands in question.

Loan Amount	Rs 250/-
Interest	" 575/-
Court costs.	" 80/-
Revenue arrears due on the lands	" 45/-
	950/-

It is reported that the original mortgagor, Subbiah, died behind two minor grand sons by his deceased son, Muniakka, mother and guardian of the two minors stated before the Amildar on 28-9-26 that with the exception of S.No.192 which she wants to be left to her for the mainterance of her minor sons the remaining lands mortgaged to the temple might be resumed to Government.

In the meanwhile coercive steps were taken for the recovery of the arrears of land revenue that accrued on the lands and the lands in question have been ordered to be forfeited to Government. The Sub Division Officer reports that as there are no other means of recovering the amount due to the temple the forfeited lands except S.No.192 may be resumed to Government under the Land Revenue Code and granted to the temple as the forfeiture extinguishes all other rights and gives the Government full rights of ownership which can be transferred to the temple. The Deputy Commissioner concurs with the opinion of the Sub Division Officer.

In the circumstances I beg to recommend that the forfeited lands except ~~under Section 159 of Land Revenue Code~~ S.No.192 may be ordered to be under Section 159 Land Revenue Code resumed without any sale being conducted and granted to the temple in question free of cost, the arrears on the lands being ordered to be written off. I solicit the favour of early orders in the matter.

On receipt of orders, separate action will be taken against the officer who have delayed the execution proceedings.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.M.3226/29-30 dated 26-6-30 from the Deputy Commissioner, Tumkur District, to the Muzrai Commissioner in Mysore.

I have the honor to state that in the year 1901 one Subbiah of Pommarasanahalli village, Sira Taluk, obtained from the funds at the credit of Sri Narayanaswami temple at Sira, a loan of R 250/- mortgaging the properties noted in the margin. The loan amount not having been paid up a

Kotta village, Sira Taluk.

S.No.	Kind.	Extent	Assessment
173	Dry	5 -37	2-12-0
174	Wet	2 -0	15-0-0
	Bagayet	2 -	
175	Wet	2 -8	8- 8-0
	Bagayet	0 -15	
176	"	1 -30	6- 0-0
192	Dry	25 -30	6- 0-0
(1/3 portion in this S.No.)			

suit was filed in the Munsiff's Court at Madhugiri after obtaining sanction of Government there for. The claim was decreed in favour of the temple on 13-3-17 in O.S. No.395/16-17 on the file of the said Court. A sum of R 16/- was sanctioned by Government in February 1920 towards the expenses connected with the execution proceedings.

It is seen from the records that proceedings for the execution of the decree were not taken promptly and the arrears due as per report of the Amildar dated 30-10-26 were R 950/- as noted in the margin.

Amount due as reported by the Amildar on 30-10-26.	
Loan Amount	R 250/-
Interest	R 575/-
Court cost	R 80/-
Revenue arrears on the lands.	R 45/-
	R 950/-

The Amildar having submitted the records to the Sub Division Officer in October 1926 for instructions as regards the steps to be taken in the matter, he was directed to take action under Section 146-149 of Land Revenue Code as Land Revenue arrears had also accrued on the lands.

The records contain a statement (obtained before the Amildar on 22-9-26) of one Muniakka, the defaulter's son's wife requesting that with the exception of S.No.192 which she wants to be left to her for the maintenance of her minor sons all the other lands mortgaged may be taken to Government for the amount due by her deceased husband. The lands were however as directed by the Sub Division Officer forfeited to Government. The Sub Division Officer has now reported that there is no means of recovering the amount due to the Muzrai temple that proceedings for the execution of the decree were not taken promptly and the mortgaged lands brought to sale, that to take a transfer from the defaulter son's wife would perhaps raise difficulties when the minor sons come of age and he accordingly proposes that the only course seems to be to take the forfeited land to Government

under Section 59(h) of Land Revenue Code
of land revenue but to grant it to the temple as the
tinguishes all other rights and gives the temple full rights
ownership and I concur with him. If the procedure proposed to
adopted is commendable to you, the file of vernacular records he
submitted may be kindly returned for taking needful further action

---

"COPY"

For Muzrai Commissioner.

To

The Asst. Comm. in Mysore.

272 - Mog 3'2 - 30 - ✓
Dy 4 8.30

Sir,

With reference to your letter No. 2018/29-30 dated 9-7-30 recommending that S.Nos. 173, 174, 175 and 176 of Kotta village in the Sira Taluk mortgaged to Sri Narayanaswami temple at Sira may be resumed under Section 59 L.R. Code without any sale being conducted and granted to the temple free of cost &c., I am directed to state that ~~(1) the grant of the land~~ to the temple requires the approval of Govt. in the L.R. Department, that (2) the temple has been deprived of its dues by the negligence of Officers and cannot therefore be required to pay the arrear assessment.

In this connection, I am to request you to report if there are any more similar cases in which action for recovery of decreed amounts have not been taken; If there are I am to express the hope that you will take needful prompt action for their realisation

~~The records are herewith returned.~~

I have &c.,

30.7.30

Finl. Secy. to Govt.

Fair Dft.
GS
30/7

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:--

Letter No.2018/29-30 dated 8th/9th July 1930 from the Muzrai Commissioner in Mysore recommending that, in the circumstances explained, the forfeited ~~Survey~~ Survey Numbers 173,174,175 and 176 of Kotta village, Sira Taluk, might be resumed to Government under Section 159 of the Land Revenue Code without any sale being conducted, and granted to the temple of Sri Narayanaswami at Sira free of cost, the arrears of land revenue on the lands being ordered to be written off.

Order No.R. 1382-83/L.R.94-30-2

Dated, Bangalore, the 28th August 1930.

The recommendation of the Muzrai Commissioner is approved.

N. Iyengar

For Offg.Secretary to Government,
Development Departments.

To

The Muzrai Commissioner in Mysore with the records,

The Revenue Commissioner in Mysore.

Copy to the Secretary for information.

mk.4.

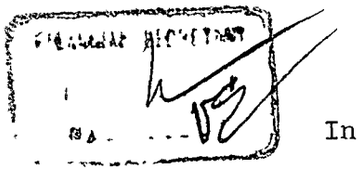
Muz 467 28/9/30 13

- No..

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 15th September 1930.

Muz 32-30-3.



C i r c u l a r.

In Muzrai case it was observed that a decree which was obtained in favour of the temple on 13-3-1917 was allowed to lapse by the local Muzrai officers not taking timely execution proceedings with the result that the institution to which the decree related suffered a loss of nearly Rs.950/- including arrears of interest. The Deputy Commissioner's are therefore requested to report if -- there are any similar cases in their districts in which action for recovery of decree amounts have not been taken. The report may kindly be submitted within a fortnight.

(Sd.) S. P. Rajagopalachari,

Muzrai Commissioner.

To

The Deputy Commissioners of Districts.

M e m o.

Copy of the above is forwarded with compliments to the Financial Secretary to the Government of His Highness the Maharaja of Mysore with reference to his letter No.272 Muz.32-30-2 dated 4th August 1930.

Muzrai Commissioner.